



<NOTICE>

<PREAMB>

4910-06-P

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

**[Docket Number FRA-2013-0081]**

### **Petition for Waiver of Compliance**

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated July 19, 2013, the Association of American Railroads (AAR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Section 231.33. FRA assigned the petition Docket Number FRA-2013-0081.

AAR, on behalf of itself and its member railroads, submitted a petition for special approval of existing industry safety appliance standards. AAR is requesting approval of the standards and specifications delineated in AAR Standard S-2044 and its detailed appendices. AAR Standard S-2044 establishes requirements for safety appliance arrangements applied to certain new railroad freight cars.

AAR Standard S-2044 was established by the AAR Safety Appliance Task Force (Task Force), which was created by AAR's Equipment Engineering Committee to develop industry standards for safety appliance arrangements on modern railcar types not explicitly covered by 49 CFR Part 231. The Task Force consists of representatives from

Class I railroads, labor unions, car builders, private car owners, and shippers, along with ergonomics experts and government representatives from FRA and Transport Canada who participate as non-voting members. The Task Force drafted a base safety appliance standard for all car types, plus industry safety appliance standards for specific car types. These industry standards have been adopted by AAR's Engineering Equipment Committee and, with FRA's concurrence, will serve as the core criteria for safety appliance arrangements on railcars that are more specialized in design. With its petition, AAR submitted detailed appendices establishing the required safety appliance arrangements for individual car types. AAR also included deviation tables that show where the AAR standard differs from the regulatory text and provide the rationale for any deviations, along with analysis showing that the AAR standard provides an equal or greater level of safety in each instance. In addition, the tables describe the ergonomic suitability of many of the proposed arrangements in normal use, as the standards were developed by the Task Force to incorporate ergonomic design principles.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue, S.E., W12-140, Washington, D.C. 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA,

in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov/>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., W12-140, Washington, D.C. 20590.
- Hand Delivery: 1200 New Jersey Avenue, S.E., Room W12-140, Washington, D.C. 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by October 15, 2013, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).

Robert C. Lauby  
Deputy Associate Administrator  
for Regulatory and Legislative Operations

<FRDOC> [FR Doc. 2013-19332 Filed 8-8-13; 8:45 am]  
<BILCOD> BILLING CODE 4910-06-P

[FR Doc. 2013-19332 Filed 08/08/2013 at 8:45 am; Publication Date: 08/09/2013]